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Human resources management**Report of the Secretary-General on the activities of
the Office of Internal Oversight Services****Financing of the United Nations Organization Mission
in the Democratic Republic of the Congo****Investigation by the Office of Internal Oversight Services
into allegations of sexual exploitation and abuse in the
United Nations Organization Mission in the Democratic
Republic of the Congo***Summary*

Media reports in early 2004 indicated the recurrence of acts of sexual exploitation and abuse of Congolese women and girls by United Nations peacekeepers serving with the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) in Bunia. MONUC and the Department of Peacekeeping Operations subsequently approached the Office of Internal Oversight Services (OIOS) to conduct an investigation into the allegations. The investigation was conducted in Bunia between May and September 2004.

Interviews with Congolese women and girls confirmed that sexual contact with peacekeepers occurred with regularity, usually in exchange for food or small sums of money. Many of these contacts, which were further confirmed by evidence from others adduced by the OIOS team, involved girls under the age of 18, with some as young as 13.

Many of the 72 allegations originally reported to MONUC could not be substantiated or even fully investigated because of their non-specific nature. Nevertheless, OIOS was able to compile 20 case reports. One case that was substantiated involved an international civilian post. The remaining 19 cases involved peacekeepers from 3 contingents. Of those, six cases were fully substantiated. In another two cases, the identification of the perpetrators was not fully corroborated. In the remaining 11 cases, the victims and witnesses were unable



to clearly identify the perpetrators. However, dozens of interviews with the girls themselves and with the young Congolese men who facilitated the encounters, as well as with aid workers, revealed a pattern of sexual exploitation by peacekeepers contrary to the standards set by the Department of Peacekeeping Operations in its Ten Rules: Code of Personal Conduct for Blue Helmets and the Mission's own code of conduct.

OIOS has made recommendations for corrective action based on the investigative findings, which are set out in 20 reports submitted to the Department of Peacekeeping Operations and MONUC. The recommendations have all been accepted by the Department. OIOS wishes to express its appreciation to the management of the Department of Peacekeeping Operations and MONUC for their assistance with the investigation.

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I. Introduction

1. Two reports, in March and May 2004, from Congolese women and a media organization alleged that United Nations peacekeepers with the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) in Bunia were involved in the sexual abuse and exploitation of local Congolese girls. In April 2004, the MONUC External Affairs/Code of Conduct Officer reviewed the situation in Bunia and reported to the Special Representative of the Secretary-General for MONUC. According to that report, 24 allegations had been received involving soldiers from almost all of the Bunia-based contingents, as well as military observers and civilian staff.

2. Because of the scope and seriousness of the allegations, the Special Representative of the Secretary-General and the Under-Secretary-General for Peacekeeping Operations requested the Office of Internal Oversight Services (OIOS) to undertake a full investigation. Three OIOS investigators conducted an assessment mission in MONUC, including in Bunia, in May 2004. The investigators met with parties having knowledge of the allegations, observed the environment, prepared an investigation plan and assembled an investigation team.

3. In total, the investigation team consisted of 11 male and female investigators from nine nationalities and with varied professional skills; there were at least six investigators on the ground in Bunia at any given time. The team, while predominately composed of OIOS investigators, included one MONUC security officer, one civilian police officer and three female Congolese interpreters. In addition, the Ituri Brigade Military Police Commander served as the military liaison officer with the team. The team operated in Bunia for four months, from June to September 2004.

4. Bunia is situated in the Ituri District in the far north-eastern part of the Democratic Republic of the Congo and serves as the headquarters and logistics base of MONUC, sector 6. At the time of the investigation, nearly 11,000 military personnel were deployed by MONUC in the Democratic Republic of the Congo and of that number some 4,500 were deployed in Ituri.

II. Investigative activities

A. Methodology

5. Both before and during the investigation, OIOS held meetings with concerned parties at United Nations Headquarters and at MONUC, including military personnel from the office of the MONUC Force Commander, the contingent commanders in Bunia, MONUC senior managers, staff of United Nations agencies and non-governmental organizations with responsibilities in the region, and Congolese citizens, as well as staff of the Department of Peacekeeping Operations and the Office of Legal Affairs at Headquarters. The purpose was to discuss the strategies for the investigation, answer procedural questions and seek support and general assistance.

6. In an effort to satisfy confidentiality requirements, as strictly stipulated in the mandate of OIOS (ST/SGB/273, para. 18 (b) and (c)), the investigation team also

made a special effort to protect the identities of the vulnerable victims and witnesses, especially because many were under 18 years of age, by assigning numbers instead of using their names.

B. Allegations

7. A total of 72 allegations, received primarily by MONUC staff, were investigated. For the most part, the allegations lacked specifics as to names of victims, witnesses and perpetrators. The investigation team set out to gather sufficient information on which to base its investigations, which included talking to the original sources of the allegations. Allegations that could lead to the identification of potential witnesses, victims or perpetrators were given priority and investigations of those cases were conducted by the team. A small unit continued to try to identify sources, victims and others in connection with the remaining allegations.

8. Of the 72 allegations, 68 concerned military contingent personnel and 4 involved international civilian posts. Three of the allegations involving civilians were not substantiated, but in the fourth the team determined that the person had acted inappropriately towards local women employed by the Mission and had downloaded and stored pornographic material on his office computer.

9. Of the 68 allegations involving military contingent personnel, OIOS closed 44 cases after preliminary investigations established that the victims and/or witnesses could not be identified or traced. OIOS closed seven additional cases that had been previously investigated and the results brought to the attention of MONUC administrators. Similarly, OIOS closed three other cases that could not proceed to the identification stage because the alleged perpetrators had already been rotated out of the mission area.

10. From the remaining 14 allegations, OIOS developed 19 cases involving military personnel. In six cases, the allegations against the peacekeepers were fully substantiated, and under-age girls were involved in all of them. In two cases, the evidence was convincing but not fully substantiated. In the remaining 11 cases, evidence was received of sexual exploitation by peacekeepers, but it was not corroborated. MONUC and the Department of Peacekeeping Operations have received reports of the 19 cases for action. In none of those cases did the peacekeepers admit to the alleged sexual contact.

11. In many of the interviews conducted by the investigation team during its four months of field work, particularly of the younger girls, aged 11 to 14 years, it became clear that for most of them, having sex with the peacekeepers was a means of getting food and sometimes small sums of money. The boys and young men who facilitated sexual encounters between peacekeepers and the girls sometimes received food as payment for their services as well. In addition to the corroborated cases reported in the next section, interviews with other girls and women indicated the widespread nature of the sexual activity occurring in Bunia between peacekeepers and the local population. Although many of them could not identify the particular peacekeepers involved, their reports of regular sexual contact were detailed and convincing. A number of the girls said that they had never looked at the faces of the peacekeepers or that they were not able to differentiate among non-Congolese. For the youngest of the girls, recounting the events was extremely difficult. Many of

them had been raped during the conflict and the trauma of their lives made pressing them for evidence in these cases very delicate. In future, the likelihood that victims will be able to identify perpetrators and that witnesses will be able to corroborate the evidence can be increased by ensuring that incidents are reported shortly after their occurrence (rather than weeks or months later as in the present cases), by facilitating more contact between the girls and skilled, sensitive investigators able to draw the girls out and by developing programmes to make the girls feel safe. Examples of the cases demonstrate the nature of the sexual exploitation and the extreme youth of many of the girls. None of the peacekeepers identified admitted to the contacts, but the evidence against them is strong and has been corroborated.

C. Case studies

Case A

12. The girl, identified by OIOS as V046A, was 14 years old and lived with her family. Owing to a lack of funds, she did not attend school. She told the OIOS investigators that she had had sexual relations with a MONUC soldier who was known to her (PK1). Each time this soldier gave her \$1 or \$2 or two eggs in return. A witness, W046A, age 15, had introduced V046A to the soldier in return for bread. Another witness, W046B, age 12, had also helped the soldier to meet with V046A for sex.

13. The victim and two witnesses clearly described the soldier and noted that he had a broken arm. OIOS investigators, through the Ituri Brigade Military Police Commander, were able to trace the medical records of a soldier who had been treated for a broken arm at the contingent hospital in Bunia. The name and MONUC identification number of this soldier matched those of the soldier identified by the witnesses. OIOS investigators could not interview the soldier because he had been repatriated.

Case B

14. The victim in case A, V046A, also told OIOS that one of the witnesses, W046B, had introduced her to another MONUC soldier (PK2). She had had sexual intercourse with this soldier in return for \$3 and a packet of milk. V046A further stated that PK2 had wanted to have sexual intercourse with her on a second occasion, but she had refused as he did not have money or food for her. The witness admitted to having facilitated sex between V046A and the soldier in return for bread and jam. The victim and witness positively identified the soldier both in the photo array and during the physical line-up. In his interview with OIOS investigators, the soldier denied having had sexual relations with any Congolese women or girls.

Case C

15. The girl, V030A, was 14 years old and did not attend school. She said that a MONUC soldier whom she had met at a camp behind the Médecins sans frontières hospital had given her food during their first four meetings but did not have sex with her. On the fifth occasion he requested her to have sex and she agreed. In return for sex, the soldier gave her \$2, chocolate and bread. The victim's statement was corroborated by two other girls, aged 11 and 15, and two male witnesses, aged 18

and 20. The soldier was identified by V030A. The two witnesses confirmed the identification and stated that they had brought V030A to him for the purpose of sexual relations. The soldier was interviewed by OIOS investigators and denied having had any involvement with local Congolese girls or women.

Case D

16. The girl, V002B, who was 13 years old, told the OIOS investigators that she had had sex with a MONUC soldier who was known to her (PK3) at Ndoromo camp on at least four occasions. She reported that she and her friends would go to the camp to have sex with different soldiers. She stated that she had received cash ranging from \$3 to \$5 after each sexual encounter. Another victim, V002A, who was 14 years old, confirmed the statement of V002B. Both victims were able to identify the soldier from photographs and line-ups. The soldier was interviewed by OIOS investigators and denied any involvement with local Congolese women or girls.

Case E

17. The witness, W054A, is a local Congolese male, age 25, and a former militia soldier who confirmed to the OIOS investigators that he had been procuring girls for MONUC soldiers for sexual relations. Those soldiers were involved in sexual activity with a group of four girls: two aged 17, one 16 and another 14, who were supplied by W054A. The evidence established that one soldier, PK4, had had sexual relations several times with V054B, age 17, and in return he had given her some food. Witness W054A was able to identify the soldier in a photo array and corroborated his identification in a physical line-up. The victim was also able to identify the soldier in the line-up. The soldier was interviewed by OIOS investigators and denied any involvement with local Congolese women and girls.

Case F

18. In this case, the evidence established that a MONUC soldier had had sex with victim V054C, 14 years old, on several occasions. In exchange for sex, he gave her food. Witness W054A identified the soldier in both the photo array and the line-up. The victim corroborated this identification in the line-up.

III. Applicable legal provisions

19. The evidence in these cases demonstrates that peacekeepers were involved in exploitative behaviour by having sexual relations with local Congolese girls, all of whom in these cases were younger than 18, with five of the six victims being 14 years of age or younger. In addition, the MONUC code of conduct and the Secretary-General's bulletin on special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13) provide that sexual activity with children (persons under 18) is prohibited regardless of the local age of majority or consent and that the mistaken belief in the age of the child is not a defence.

20. Sexual exploitation and abuse is prohibited conduct under rule 4 of the Code of Personal Conduct for Blue Helmets and the MONUC code of conduct. The MONUC code of conduct specifically defines an act of sexual abuse and/or exploitation as any exchange of money, employment, goods or services for sex. In each of the substantiated cases, the perpetrators effectively breached the Code of

Personal Conduct for Blue Helmets and the MONUC code of conduct by exchanging money and food for sex with girls under 18 years of age. Failure to observe these strict standards of conduct renders the perpetrators liable to disciplinary action for serious misconduct as defined in section III of the Department of Peacekeeping Operations Directives for Disciplinary Matters Involving Military Members of National Contingents. All troop-contributing countries recognize the Code of Personal Conduct for Blue Helmets as binding.

21. Subsequent to the establishment of the MONUC code of conduct, the Secretary-General promulgated the bulletin on special measures for protection from sexual exploitation and sexual abuse (see para. 19 above). This bulletin is binding on United Nations staff and its provisions are similar to those contained in the MONUC Code of Conduct. Both documents elaborate on the standards found in the Code of Personal Conduct for Blue Helmets. Section 1 of the bulletin defines sexual exploitation as "any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another". Sexual abuse is defined as "actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions". Section 2 of the MONUC code of conduct has similar provisions and also provides that sexual exploitation and abuse is defined, among other things, as any sexual misconduct that has a detrimental effect on the image, credibility, impartiality or integrity of the United Nations. As the cases reported above demonstrate, those factors were present in abundance in Bunia.

22. By section 7 of the Secretary-General's bulletin on observance by United Nations forces of international humanitarian law (ST/SGB/1999/13), United Nations forces conducting operations under United Nations command and control are prohibited from committing acts of sexual exploitation and abuse and have a particular duty to protect women and children from such assaults. Thus such sexual contact is not only prohibited, but also is a significant failure in the responsibility of peacekeepers to protect the most vulnerable members of Congolese society. The need for the contingents to be close to the local population in order to protect them from militia attacks provides not only an opportunity to supply the required care, but also, unfortunately, an opportunity to exploit the dire needs of vulnerable children, thereby violating the directive.

23. Similarly, in demanding or seeking sexual favours from these vulnerable victims, the peacekeepers abused their positions of power. By virtue of not only their unequal social positions but also their relative wealth — the ability to bestow small amounts of money or food on the girls and the facilitators — the peacekeepers could take advantage of the local population, which has little means of its own.

IV. Investigative findings

A. Problem of sexual exploitation and abuse

24. The sexual exploitation and abuse of young girls in Bunia by local factions arose during the conflict that erupted in that region, in which numerous girls were raped and many were left without families or means of support. The later presence of international peacekeepers added another dimension and augmented the problem.

In the existing conditions, many children were rendered homeless and orphaned or their families were unable to provide basic necessities, thereby causing them to resort to other means of support.

25. Although there were allegations involving women over the age of 18, the majority of the victims identified in the investigation were between 12 and 16 years of age. They were poor village children whose lives had been significantly affected by civil war and whose encounters with foreigners prior to the arrival of MONUC in their land had been limited. Most were illiterate, with only a handful reportedly having attended school. OIOS had difficulty gaining full access to most of these young victims, some of whom were under care and receiving psychological counselling, while others lived outside Bunia's secure zone.

26. The Congolese males who helped to introduce the girls to the peacekeepers were mainly young boys aged 8 to 18, and a few young men aged 20 to 25. They facilitated the peacekeepers' access to the girls and so functioned as procurers or pimps while living at the internally displaced persons camp or on the streets. They reported having been paid \$1 and/or food for each girl brought to the peacekeepers. However, in many cases, they said, the peacekeepers gave nothing in exchange for the girls. Some of them were former child soldiers from the Congolese militia. A few of the boys attended school; the rest had dropped out because of a lack of funds for school fees or a lack of interest. Some of the older ones did manual labour at the military camps and therefore were familiar with the peacekeepers.

27. The venues for the sexual activities were identified as various prearranged meeting places, such as inside the guard posts, in mostly rundown shelters, in the bush near the military camps at rented or abandoned accommodations, or even on bare ground behind buildings, under mango trees. The activities usually occurred just after dark, normally between 7 and 10 p.m.

28. The peacekeepers implicated in the allegations and interviewed by OIOS were not officers but rather enlisted or non-commissioned personnel serving at guard posts or at the camps. They were between 24 and 45 years of age. For most of them, MONUC was their first mission assignment. Although the cases investigated by the OIOS team involved only some peacekeepers from three of the Bunia-based contingents, it cannot be assumed that members of other contingents did not engage in similar improper activities, given the credible reports received by the OIOS team from many of those interviewed, including victims, witnesses and others in the region. Nor can it be assumed that some contingents were necessarily more involved in those activities than others. Often, though, it is the demands and requirements of the contingent commanders that have the greatest impact on the conduct of the contingent troops. OIOS reports only on the cases it has investigated.

29. It should be noted that it was the intention of OIOS to name the troop-contributing countries whose soldiers had been identified as having exploited and abused the local female population in Bunia. Instead, however, the Department of Peacekeeping Operations has, as recommended in the present report, provided the relevant troop-contributing countries with the investigative reports on the cases concerning their contingents so that they can take appropriate action. At the same time, the Department of Peacekeeping Operations is currently developing a more robust policy to address sexual exploitation and abuse issues.

B. Environmental factors contributing to sexual abuse

30. As a result of the ethnic conflict that broke out in the Ituri District in May 2003, many area residents were displaced and impoverished. The internally displaced persons camp, sheltering 10,000 people, is located inside the boundary of Bunia town, adjacent to the MONUC logistics base. The military camps are also located in close proximity to the local population. Although this provides the necessary security buffer against the militias, it also allows for informal interaction between peacekeepers and the local population, creating an environment for exploitation and abuse to occur.

31. One of the major causes encouraging the abuse is poverty resulting from the separation of families by internal conflict. Most of the victims and witnesses are extremely vulnerable, not only because of their youth, but also because they are living alone, with other children or with older relatives in extended families who are unable to provide for them. The victims and a significant number of the boys are not in school because they cannot afford the fees.

32. Hunger has encouraged children to try to make contact with members of the MONUC troops to seek food or a little money. Food insecurity is brought about by the population's inability to access their farmlands because of fear of attacks from the militia. Consequently, the population that was once self-sufficient in food supplies is finding it difficult to subsist. There is a scarcity of employment opportunity in the town, and the food supply in the camp is reportedly inadequate. A breakdown of family and community structures is the result.

33. OIOS also noted the paucity of programmes and facilities to empower, protect or assist vulnerable women and children. Lacking work opportunities, many are without alternative sources of food, clothing and other necessities.

34. At present, the inadequate security perimeter fencing around the military camps also enables the peacekeepers, and their illegal visitors, to move about the camp unnoticed by their supervisors or the few camp guards. Patrols by the military police were insufficient to discourage peacekeepers from engaging in sexual misconduct. The efforts of contingent commanders to enforce discipline were also found to be inadequate. Although the contingent commanders had asserted that their troops were not allowed outside their camps unless on duty, the OIOS team observed peacekeepers in public places, especially restaurants, in the town, not always in uniform. This created not only opportunities for interaction with the local populace, but also potential security problems. For example, in September 2004, an incident occurred where Congolese militia abducted a MONUC peacekeeper who was allegedly in civilian attire among the local population in an area outside the designated secure zone.

35. Although MONUC has prepared directives on the prevention of sexual exploitation and abuse, at present, little has been done to implement an effective prevention programme in Bunia. Although an instruction circular was issued establishing the MONUC Personnel Conduct Committee, the Committee exists only on paper, as no agreement on its terms of reference has been reached by those responsible for finalizing it.

36. The team's interviews with the implicated peacekeepers also raised doubts as to whether they had received an adequate briefing on the Code of Personal Conduct

for Blue Helmets before being deployed in the Mission. They claimed that they had not been apprised of the Code of Conduct, although some of their senior officers maintained that a briefing had been held. Moreover, at present, it does not appear that even after the allegations surfaced the standards of conduct were reinforced with the troops. Such gaps have contributed greatly to the problem; if they are not addressed, the problem is likely to escalate, especially with the expected influx of additional troops to be deployed in the country.

C. Problems in obtaining cooperation from the contingents

37. At the start of the investigation, OIOS investigators met with representatives of the contingents in Bunia to advise them formally of the investigation and to elicit their assistance and cooperation. The contingent commanders agreed and expressed their willingness to provide the necessary cooperation.

38. As the investigation progressed, contact was maintained with the contingents both directly and through the assistance of the Bunia Brigade Commander, Chief of Staff of Administration, Legal Adviser, Provost Marshal and Deputy Provost Marshal. Although one contingent was timely in responding to OIOS requests for assistance, issues arose with two of the other contingents concerning their willingness to assist in identifying possible perpetrators. On several occasions, the commanders of these contingents either failed to provide the requested information or assistance or actively interfered with the investigation. In order to resolve such problems, OIOS sought and received direct support from a number of senior managers of the Department of Peacekeeping Operations.

V. Conclusions

39. The OIOS investigation into allegations of sexual exploitation and abuse of local Congolese women and girls found that the problem was serious and ongoing. Equally disturbing was the lack of a protection and deterrence programme even at the present time.

40. The investigation was hampered by problems in obtaining the requisite assistance and cooperation from two military contingents and in obtaining access to some of the witnesses and victims. Nonetheless, the OIOS team was able to investigate 72 allegations against both military and civilian MONUC personnel. This resulted in 20 case reports. One case involved an international civilian post, while the other 19 cases involved military personnel. In six of those cases, the perpetrators were positively identified. In another two cases the identification was not fully corroborated. In the remaining 11 cases, the victims and witnesses were unable to clearly identify the perpetrators.

41. The majority of the cases were closed after a preliminary investigation, largely because they were duplicative or too vague to allow for positive identification of a victim, witness or perpetrator. Very few of the allegations involved civilian personnel, and in three of the four cases that did, the allegations were not substantiated. In the fourth, the person was found to have engaged in inappropriate conduct with two female Congolese MONUC staff members, as well as to have downloaded and stored pornographic material on his office computer.

42. The OIOS investigation also addressed factors that influenced the lack of corroboration in the identification of perpetrators. The investigators found that most victims were unable to make positive identifications because, for example, they had had only one encounter with the perpetrator and did not take note of identifying characteristics; they had met the perpetrators in the dark and either did not look at their faces or did not see them properly; they were very young and unfamiliar with those not native to their areas and were therefore unable to distinguish one non-Congolese person from another; and they did not recall events weeks or months later.

43. OIOS identified the following factors as contributing to the problem of sexual exploitation of the local community: poverty affecting the general population, especially the internally displaced persons at the camp; food insecurity of the general population; idleness among non-school-going children; the erosion of family and community structures; discrimination against women and girls; insecurity of the perimeter fencing, encouraging interaction between the military and the general population; inadequate patrols by military police and insufficient enforcement of military discipline; the absence of any programmes for off-duty peacekeepers; the lack of a sexual harassment and abuse prevention programme in MONUC; and a lack of facilities or programmes aimed at protecting the vulnerable population.

44. The troop rotations also have kept many of the peacekeepers from having to account for their actions. OIOS noted with great concern that, despite knowledge that the investigation was ongoing, sexual activities between the military and the local population apparently continued. This was evidenced by the presence of freshly used condoms near military camps and guard posts and by the additional allegations of recent cases of solicitations brought to the attention of the OIOS team during the last days of the investigation. It was clear that the investigation did not act as a deterrent for some of the troops, perhaps because they had not been made aware of the severe penalties for engaging in such conduct, nor had they seen any evidence of a negative impact on individual peacekeepers for such behaviour. Without strong reinforcement of the legal requirements and prompt sanctions for violations, they may well continue this behaviour.

45. Of equal concern is the fact that the prevention programme required by the Under-Secretary-General for Peacekeeping Operations and the Special Representative of the Secretary-General for MONUC has not been put in place in the Mission. Few military or civilian staff seemed aware of the directives, policies, rules and regulations governing sexual contact that they were obligated to follow. Although many peacekeepers are conducting themselves appropriately under difficult circumstances, those who engage in conduct that violates legal norms must be made aware that there will be sanctions and penalties. The hundreds of interviews conducted by the OIOS team reveal a pattern of activity that cannot be allowed to continue.

46. The Special Representative of the Secretary-General for MONUC provided the following comments:

I firmly believe that emphasis needs to be placed on the accountability of the officers of contingents to which the perpetrators belong, from contingent to company and platoon commanders. It is clearly evident that while there has been no shortcoming insofar as disseminating the code of conduct and the Secretary-General's zero-tolerance policy on matters of sexual exploitation and abuse, the same cannot be said for the enforcement of this. In certain

instances, it is apparent that the feeling of impunity is such that not only have the policies not been enforced, but the command structures have not always given investigators their full cooperation. I also consider it imperative that the results of Member States' actions against the perpetrators of these abuses be made available to the United Nations and that the Mission highlight to incoming commanders the gravity and extent of the problem and underscore the commanders' responsibility to prevent similar acts during their mandate. Only such stern deterrents, in my view, will enable us to stamp out sexual exploitation and sexual abuse in the peacekeeping environment.

47. OIOS concurs with the position outlined by the Special Representative of the Secretary-General for MONUC and looks forward to collaborative efforts between Member States and the Department of Peacekeeping Operations on deterrence modalities.

VI. Recommendations

48. Based on the findings of this investigation, OIOS offers recommendations that may alleviate the problem, at least at MONUC, but that may be applied in other missions as well. OIOS is aware of the substantial work being done by the adviser to the Secretary-General on this issue and, in particular, notes that his work will address the responses of the troop-contributing countries to this problem.

Recommendation 1

49. Upon review of the individual cases in which peacekeepers have been implicated, the Department of Peacekeeping Operations should request the relevant troop-contributing country to take appropriate action against the military personnel identified and to advise the Department as to the action undertaken (ID Rec. No. IV04/141/01);¹

Recommendation 2

50. The Department of Peacekeeping Operations and MONUC, as a matter of high priority, should implement a strong prevention programme, with emphasis on protecting the most vulnerable girls (those under 18 years of age), and establish a rapid-response detection programme, utilizing personnel experienced in such cases, beginning in Bunia on an expedited basis and then expanding to the other regions of MONUC (ID Rec. No. IV04/141/02);

Recommendation 3

51. Senior MONUC managers must become more involved and demand accountability from both civilian administrators and contingent commanders in the Mission. MONUC must take steps to ensure that administrators and officers demonstrate implementation of all existing regulations and policies aimed at preventing sexual abuse and exploitation (ID Rec. No. IV04/141/03);

¹ The symbols in parentheses in this section refer to an internal code used by OIOS for recording recommendations.

Recommendation 4

52. The Department of Peacekeeping Operations and MONUC should undertake a programme to provide regular briefings for troops on their responsibilities to the local population and on prohibited behaviours and to ensure that all troops and civilians on United Nations missions are fully conversant with United Nations policies on the subject of sexual exploitation and abuse (ID Rec. No. IV04/141/04);

Recommendation 5

53. The MONUC Force Commander, in conjunction with contingent commanders, should enforce strict discipline over the personnel under their command (ID Rec. No. IV04/141/05);

Recommendation 6

54. MONUC should identify and implement measures that ensure that all military compounds are adequately secured to prevent unauthorized entry and egress as well as ad hoc trading between troops and the local population (ID Rec. No. IV04/141/06);

Recommendation 7

55. MONUC should collaborate, perhaps under the auspices of the Office for the Coordination of Humanitarian Affairs, with other non-governmental organizations and United Nations agencies in the Bunia area to find ways of strengthening the existing programmes to empower and protect the vulnerable population to allow for alternative means of survival (ID Rec. No. IV04/141/07);

Recommendation 8

56. Given that this problem is not unique to MONUC, and with new missions being opened in areas where similar problems can arise, it is recommended that the Department of Peacekeeping Operations consider a wider application of prevention and detection policies to protect against sexual abuse and exploitation by peacekeepers. This may include the designation of local officials or non-governmental organizations to receive reports of sexual exploitation and abuse; the central reporting of all cases to mission senior management on an expedited basis; the development of mission-based rapid-response teams; the development of educational programmes for the troops on their responsibilities and on sanctions for sexual exploitation and abuse; the public naming and shaming of those found to have engaged in sexual exploitation and abuse; and the permanent exclusion from peacekeeping missions of those troops who engage in sexual exploitation and abuse and of their contingents' commanders (ID Rec. No. IV04/141/08).

57. The Department of Peacekeeping Operations has agreed with all eight of the recommendations, which it feels will help guide it in moving forward to establish procedures to attempt to eliminate the problem.

(Signed) Dileep Nair
Under-Secretary-General for Internal Oversight Services



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Agenda item 31

Question of the Falkland Islands (Malvinas)

**Letter dated 3 January 2005 from the Permanent Representative of
Argentina to the United Nations addressed to the Secretary-General**

In accordance with instructions received from my Government, I have the honour to transmit herewith the text of the statement issued today by the Government of the Argentine Republic on the occasion of another anniversary of the illegitimate British occupation of the Malvinas Islands (see annex).

I should be grateful if you would have the present letter and its annex distributed as a document of the General Assembly under agenda item 31.

(Signed) César Mayoral
Ambassador
Permanent Representative



Annex to the letter dated 3 January 2005 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General

[Original: English and Spanish]

On 3 January 1833, British forces occupied the Malvinas Islands, forcibly expelling its inhabitants and the Argentine authorities legitimately established there.

Today, 172 years after that illegitimate occupation which still continues, the Argentine people and Government reaffirm the imprescriptible sovereignty rights of the Argentine Republic over the Malvinas, South Georgia and South Sandwich Islands and the surrounding maritime areas.

Likewise, they recall the permanent and unrelinquishable objective, enshrined in the National Constitution, of recovering the full exercise of sovereignty over the above-mentioned territories and maritime areas through peaceful means for the settlement of disputes in accordance with international law and respecting the way of life and the interests of the inhabitants of the Malvinas Islands.

The Argentine Government reaffirms the need to carry out the numerous resolutions of the United Nations and declarations of the Organization of American States, which urge the resumption of bilateral negotiations in order to find as soon as possible a just, peaceful and lasting solution to the dispute over sovereignty. It also recalls its permanent readiness to immediately resume those negotiations and exhorts the Government of the United Kingdom of Great Britain and Northern Ireland to show, without further delay, the same readiness to fulfil those appeals by the international community.



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Security Council**

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Fifty-ninth session

Agenda items 36, 37, 62 and 148

The situation in the Middle East

Question of Palestine

**Establishment of a nuclear-weapon-free zone
in the region of the Middle East**

Measures to eliminate international terrorism

Security Council

Sixtieth year

**Letter dated 3 January 2005 from the Permanent Representative
of Bahrain to the United Nations addressed to the
Secretary-General**

I have the honour to enclose herewith the final communiqué (see annex I) and the Manama Declaration (see annex II), which were adopted by the Supreme Council of the Gulf Cooperation Council at its twenty-fifth session, held in the Kingdom of Bahrain on 20 and 21 December 2004 under the chairmanship of His Majesty King Hamad Bin Isa Al-Khalifa of the Kingdom of Bahrain.

I would be grateful if you would circulate this letter and its annexes as a document of the General Assembly under agenda items 36, 37, 62 and 148.

(Signed) Tawfeeq Ahmed **Almansoor**
Ambassador
Permanent Representative



Annex I to the letter dated 3 January 2005 from the Permanent Representative of Bahrain to the United Nations addressed to the Secretary-General

[Original: Arabic]

Final communiqué adopted by the Supreme Council of the Gulf Cooperation Council at its twenty-fifth session

**Zayed Summit, Manama, Bahrain, 9 Dhu'lqa'dah 1425 A.H.
(21 December 2004 A.D.)**

At the invitation of His Majesty King Hamad Bin Isa Al Khalifa, King of Bahrain, the Supreme Council of the Gulf Cooperation Council (GCC) held its twenty-fifth session in Manama, Bahrain, on 8 and 9 Dhu'lqa'da 1425 (20 and 21 December 2004) under the chairmanship of His Majesty. The meeting was attended by:

His Highness Sheikh Khalifa Bin Zayed Al Nahyan, President of the United Arab Emirates;

His Royal Highness Prince Sultan Bin Abdul-Aziz Al Saud, Second Deputy Prime Minister, Minister of Defence and Aviation and Inspector-General of the Kingdom of Saudi Arabia;

His Majesty Sultan Qaboos Bin Said, Sultan of Oman;

His Highness Sheikh Hamad Bin Khalifa Al Thani, Amir of Qatar; and

His Highness Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, Prime Minister of Kuwait.

His Excellency Mr. Abdul Rahman bin Hamad Al-Attiyah, Secretary-General of the Gulf Cooperation Council, also participated in the meeting.

The Supreme Council expressed its sincere compliments and best wishes to His Majesty King Hamad Bin Isa Al Khalifa and to the judicious Government and beloved people of Bahrain on the occasion of their glorious 33rd national holiday, wishing the Kingdom and its people continuous progress and prosperity.

The Council expressed its profound sorrow over the death of His Highness the late Sheikh Zayed Bin Sultan Al Nahyan, President of the United Arab Emirates — may God rest his soul — who departed this world after a life filled with glorious works and great achievements and with true giving and tireless, sincere work for the benefit of the United Arab Emirates, its progress and prosperity and the welfare of its people. The Council presented its heartfelt condolences to the leadership, Government and people of the United Arab Emirates, as well as to the Arab Nation and the Islamic Ummah, for this great loss. In addition, the Council expressed its genuine appreciation for the role played by the deceased in strengthening the Gulf Cooperation Council, to whose establishment he greatly contributed, and for his great efforts in advancing the causes of the Arab Nation and the Islamic Ummah and promoting peace in the region and in the world. The Council is grateful to His Majesty King Hamad Bin Isa Al-Khalifa for his initiative in naming the twenty-fifth session of the Supreme Council of the GCC the "Zayed Summit".

The Council welcomed His Highness Sheikh Khalifa Bin Zayed Al Nahyan and expressed its absolute confidence that he would enhance with his wisdom the active role of the United Arab Emirates in supporting the blessed work of the GCC.

The Council also expressed its profound sorrow over the death of Palestinian President Yasser Arafat — may God grant him eternal peace — who departed this world after a life of struggle for the restoration of the legitimate rights of the Palestinian people and the establishment of an independent State on their national soil. The Council presented its sincere condolences to the Palestinian people, as well as to the Arab Nation and the Islamic Ummah, on this great loss.

The Council reviewed the achievements realized in cooperation in all sectors since the previous session. It performed an overall assessment of political and security issues at all levels, both regional and international, in the light of recent events and developments affecting the Gulf region and the world at large.

In its desire to strengthen cooperation, the Council reviewed the recommendations and follow-up reports submitted by the Ministerial Council and took the necessary decisions with regard to them, as follows:

In its desire to strengthen Gulf citizenship and provide insurance protection to nationals of GCC States who are employed in GCC States other than their own, the Council endorsed the conclusions of the ad hoc committees regarding the extension of the insurance umbrella to retirement and social insurance institutions so as to cover such nationals, owing to the social security that this provides for such persons and their families.

In that connection, the Council welcomed the law promulgated by His Majesty King Hamad Bin Isa Al Khalifa, King of Bahrain, whereby both natural and artificial persons nationals of GCC States are permitted to carry on all economic activities and professions agreed upon within the GCC framework, an initiative considered as helping to promote cooperation and Gulf citizenship.

The Council reviewed the results of the preliminary studies of the economic feasibility of the project to build a railway network connecting the GCC countries to facilitate the transport of their nationals and promote greater and more streamlined commercial transport among them and the project for water interconnection among those countries and gave instructions for the completion of the necessary studies for the two projects.

The Council considered a progress report on the implementation of the "smart card" project for the GCC countries, according to which the card would become tantamount to a national identity card for nationals of those countries. The Council gave instructions for the completion of the work on the project and the establishment of suitable mechanisms for its implementation.

With a view to the integration and harmonization of regulations and economic policies, the Council approved a number of uniform laws in the agricultural and industrial fields, including the uniform industrial organization act for the GCC States, one of the most important objectives of which is to encourage and promote industrial enterprises, increase the share of the industrial sector in the gross product and broaden the base of economic relations in the GCC countries.

Regarding the economic relations of the GCC countries with countries and international groups, the Council familiarized itself with the developments that had

taken place in that sphere during 2004, the agreements signed for the creation of free trade zones and framework agreements for economic cooperation between the countries of the GCC and such countries and international groups.

In view of the importance of dealing with the effects of the increase in labour coming to member States, the Council considered the note of the secretariat on that subject and approved the concepts and proposals on dealing with those effects, considering this a vital issue characterized by constant fluctuation with changes in the economic, social and development spheres.

The Council, realizing the importance of protecting the environment and its natural resources, approved uniform environmental criteria and standards in the areas of noise, air quality and waste water, viewed as a minimum for legislation that must be adopted for preparing or developing national criteria and standards in the GCC countries.

In the field of protection of the marine environment against pollution, the Council emphasized the need for speedy completion of the much-needed ballast-water collection facilities and for accession by member States to the International Convention for the Prevention of Pollution from Ships (Marpol 73/78).

With a view to furthering joint environmental action, the Council gave instructions to expedite coordination and implementation so as to impel that action towards the achievement of the desired environmental protection goals. The Council stressed that the preservation of the environment and its renewable natural resources and the protection and development of wildlife had become an absolute necessity for achieving sustainable development aimed at improving the standard of living and well-being of humankind in the GCC countries. The Council called upon the competent authorities to accelerate the translation of environmental regulations, laws, standards and criteria into practical programmes carried out in accordance with development plans, with emphasis on the training of national human resources, more intensive consciousness-raising programmes in the media and in school curricula and closer cooperation and coordination between the competent environmental agencies in GCC countries and regional and international organizations, with a view to achieving the goals of sustainable development.

The Council considered the follow-up report on its decision concerning the comprehensive development of education, stressing that implementation priority should be accorded to decisions issued by the Supreme Council. It impressed on the committees concerned the need to expedite the implementation of the plans and programmes arising from the decisions adopted in that regard and to establish appropriate mechanisms for that purpose.

In keeping with the desire of the leaders of the GCC States to promote legal cooperation, the Supreme Council adopted the Kuwait document on a uniform code on the guardianship of property of minors and other legally incompetent persons for the GCC States, to serve as a guideline, for a period of four years.

The Council approved the extension of the validity of the Muscat document on a uniform personal status code for the GCC countries, as a guideline, for a further four-year period in order to give the member States more time to make use of it. It also approved the extension of the validity of the Riyadh document on a uniform code of criminal procedure for the GCC countries, as a guideline, until its revision and adoption in its final form.

With regard to military cooperation and coordination, the Council considered and endorsed the results of the third periodic meeting of the Joint Defence Council. It also approved the creation of a decoration to be awarded to members of the armed forces of GCC countries who belonged to the Al-Jazeera (Peninsula) Shield force, in accordance with the conditions and procedural modalities established for that purpose. The Council expressed its satisfaction over the military progress made in various fields and the steps taken and achievements realized in that regard.

Owing to the importance of strengthening coordination and cooperation in the field of security, the Council considered a detailed report on measures being adopted by member States, information exchange and ongoing coordination among security organs, in accordance with the relevant decisions, the latest of which were those adopted by the Ministers of the Interior at their twenty-third meeting, held in Kuwait in October 2004. The Council expressed satisfaction at the steps taken and the achievements realized in the various areas of security cooperation.

The Council reviewed the dangerous acts of terrorism that had been witnessed both in the region and elsewhere. In that context, the Council reiterated its condemnation and repudiation of terrorism in all its forms, wherever it might occur and whatever its sources, motives or stated justifications might be. At the same time, the Council reaffirmed the clear and firm positions of the GCC countries on combating terrorism, cutting off its sources of financing by every available means and treating its causes and underlying motives, locally as well as regionally and internationally, and also drew attention to the need to distinguish between terrorism and the legitimate right of peoples to resist occupation, in accordance with the resolutions constituting international legitimacy.

In that connection the Supreme Council expressed its condemnation of the terrorist act recently committed against the consulate of the United States of America in the governorate of Jeddah, Saudi Arabia, which had resulted in the deaths of a number of innocent people. It expressed its condolences to the families of the victims and commended the Saudi Arabian security forces on their ability to cope with the terrorist event and end it skilfully and expeditiously.

The Council reiterated its absolute support for and solidarity with Saudi Arabia in its efforts and in all the measures that country might take with a view to preserving security and stability and eliminating the misguided group that adopted criminal terrorist acts as a course of action, one rejected by every principle of religious law and all the moral values and principles of mankind. The Council affirmed that the true Islamic religion was based on justice, compassion and tolerance and forbade and criminalized any act involving aggression against or harm to innocent people, for Islam was meant to preserve the blameless soul and forbade killing, threatening or torturing it.

Reaffirming the support of the GCC countries for regional and international efforts to combat terrorism, the Council welcomed Bahrain's hosting the regional bureau for the Middle East and North Africa for combating money-laundering and preventing terrorist financing.

Regarding the work of the Supreme Council's Advisory Board, the Council acquainted itself with the Board's views on the role of the private sector in enhancing communication between residents of the GCC countries, the obstacles to trade between those countries and the question of youth and the means of ensuring

the welfare of young people. It decided to adopt them and forward them to the competent ministerial committees in order that the necessary mechanisms might be created for their implementation. The Council approved the Board's continuing to study the question of assessing the progress of the GCC over the previous 23 years and charged the Board with studying the phenomenon of terrorism during its coming session.

The Council reviewed the progress made in the area of media cooperation among GCC countries and gave instructions for the adoption of the mechanisms proposed by the ministers of information for the implementation of the Advisory Board's opinions on information issues, which had been approved by the Supreme Council at its twenty-second session in Muscat.

Concerning the continued occupation by the Islamic Republic of Iran of three islands belonging to the United Arab Emirates, namely the Greater Tunb, the Lesser Tunb and Abu Musa, the Council reaffirmed its well-known, unchanging position, which has been affirmed in all its previous communiqués, in support of the sovereign right of the United Arab Emirates over the three islands and the related territorial waters, airspace, continental shelf and exclusive economic zone, considered as an inseparable part of the United Arab Emirates.

The Council also expressed its regret that contacts with the Islamic Republic of Iran had not produced, to date, any results that might significantly contribute toward a solution to the question, which would in turn contribute to the security and stability of the region.

The Council affirmed that it would continue to consider all peaceful means conducive to restoring the rights of the United Arab Emirates in respect of its three islands and to obtaining a response from the Islamic Republic of Iran to the efforts of the United Arab Emirates and the international community towards resolving the issue by recourse to the International Court of Justice or other peaceful means.

The Council examined the continued lack of stability and security, and the extent to which it affected internal affairs, in its sister country Iraq. The Council expressed alarm, in particular, at the effects of that situation on Iraqi civilians and the Iraqi infrastructure and the consequent increase in the suffering of the Iraqi people. In that connection the Council reaffirmed the position it had consistently expressed in its earlier communiqués, namely its total sympathy and solidarity with the Iraqi people in their current afflictions; its rejection of anything that might lead to a break-up of Iraq; the need to maintain Iraq's sovereignty, independence and territorial integrity; non-interference in its internal affairs; and an appeal to other parties to adopt the same approach.

The Council expressed its hope that the United States Administration would work effectively with the United Nations and the international community in every way to enable all segments of the Iraqi people to participate in the political process in Iraq, which involved the holding of elections, for such a process would help to enable the Iraqi people to determine their political and economic future, provide security and stability and make Iraq once again an active, positive member of its international and Arabian Gulf environment, as provided in Security Council resolution 1546 (2004).

In keeping with the desire of the leaders of the GCC countries for the realization of the aspirations of our brothers and sisters, the Iraqi people, the

Council condemned explosions and terrorist acts that targeted civilians and humanitarian and religious institutions and the kidnapping and torture of innocent persons. It expressed its condolences to the families and relatives of the victims of those crimes and its solidarity with their States. The Council also condemned the deliberate mass killing of Iraqis and of Kuwaiti prisoners and detainees as well as nationals of other countries committed by the previous Iraqi regime and the mass burials that had been discovered, which amounted to a material, flagrant violation of human rights, the principles of Islam and moral principles in general, and Arab values.

The Council once again called upon the United Nations, in cooperation with the interim Iraqi Government, to make the necessary efforts towards a final solution to the question of the return of Kuwaiti property and the national archives of the State of Kuwait, of which the previous Iraqi regime had taken possession at the time of its occupation of Kuwait.

The Council reviewed the developments in Palestine and the ongoing hostile practices against unarmed Palestinians which the Israeli Government followed, defying international customs and covenants and the resolutions constituting international legitimacy, ignoring Arab and international initiatives and placing every possible obstacle in the way of efforts to revive the peace process.

The Council mentioned the wisdom and sense of responsibility evinced by the Palestinian leadership in effecting the transfer of authority with the utmost ease. This will inevitably shore up internal security, strengthen legitimacy and the role of political institutions and consecrate the unity of the Palestinian people. It is important and indeed essential to take advantage of the propitious circumstances and available opportunities in order to serve the Palestinian people's just cause, so as to enable them to regain their legitimate rights, including the right to establish an independent State on their national soil, with Al-Quds Al-Sharif as its capital.

The Supreme Council expressed its wishes to the Palestinian leadership for success through continued solidarity and cooperation in dealing with future challenges.

The Council also expressed the hope that President George Bush, during his second term of office, would accord the question of the Middle East extremely high priority in the foreign policy of the United States of America so as to fulfil the promises made and the commitments undertaken regarding the establishment of a viable Palestinian State living in security and peace side by side with the State of Israel. It further expressed the aspiration that the Quartet would continue its efforts to mobilize the peace process in the Middle East in accordance with the requirements and the bases laid down in the road map and the Arab initiative, in addition to continuing its efforts to prepare a climate that would facilitate the Palestinian political process.

The Supreme Council demanded that Israel withdraw fully from all the occupied Arab lands in Palestine and the occupied Syrian Golan Heights to the line of 4 June 1967 and from the Shab'a Farms in southern Lebanon.

The Council reaffirmed its strong desire for GCC countries to support political and economic stability and security in their sister country Lebanon and to condemn Israeli acts of aggression against its sovereignty and independence.

The Council also called for efforts to make the Middle East, including the Gulf region, a zone free of all weapons of mass destruction and for pressure on Israel to accede to the Treaty on the Non-Proliferation of Nuclear Weapons and place all its nuclear installations under the international inspection regime of the International Atomic Energy Agency, and demanded that this should be made a fundamental condition for any future security arrangements.

The Council, expressing its appreciation for the enormous efforts of the Secretary-General and for his active contribution to promoting the work of the GCC, decided to renew the appointment of His Excellency Mr. Abdul Rahman bin Hamad Al-Attiyah as Secretary-General of the Gulf Cooperation Council for an additional period of three years, starting 1 April 2005, and wished him every success in the performance of his duties during the coming period.

In keeping with the desire and the continued efforts of the GCC States to consummate the political, economic and social process currently under way in them, the Council reaffirmed the position and vision of those States and the Arab position expressed in the declaration of the Arab summit recently held in Tunis, namely that development and modernization must spring from the countries of the region and that the particularities and circumstances of those countries must be taken into account, be they political, economic, cultural or religious. Moreover, proceeding gradually in reaping the fruits of such development and modernization will make for greater stability, security and well-being in the region.

The Council expressed its great appreciation for the sincere efforts of His Highness Sheikh Jaber Al-Ahmad Al-Jaber Al-Sabah, Amir of Kuwait, and of his judicious Government during his chairmanship of the twenty-fourth session of the Supreme Council as well as for important achievements that expanded the fields and horizons of GCC cooperation, promoting greater progress and well-being for the peoples of the region.

The Council also expressed its great appreciation to His Majesty King Hamad Bin Isa Al Khalifa, King of Bahrain, Chairman of the current session of the Supreme Council, and to his Government and magnanimous people for the generous hospitality and genuine fraternal sentiments with which the leaders of the GCC countries had been received. Those leaders commended the attention and interest accorded by His Majesty to the gathering as well as his judicious conduct of the proceedings, which had played a major role in bringing important results and decisions. They further expressed the conviction that Bahrain, in presiding over the work of the session under the leadership of His Highness, would help to promote the GCC process and guide it towards new horizons, taking into account prevailing local, regional and international conditions, so as to realize the aspirations and ambitions of the peoples of the GCC countries.

The Supreme Council looks forward to its twenty-sixth session, scheduled to be held in the United Arab Emirates in Dhu'lqa'da 1426 A.H. (December 2005 A.D.) at the kind invitation of His Highness Sheikh Khalifa Bin Zayed Al Nahyan, President of the United Arab Emirates.

Manama
9 Dhu'lqa'da 1425 A.H.
(21 December 2004 A.D.)

Annex II to the letter dated 3 January 2005 from the Permanent Representative of Bahrain to the United Nations addressed to the Secretary-General

[Original: Arabic]

Manama Declaration adopted by the Supreme Council of the Gulf Cooperation Council at its twenty-fifth session

Zayed Summit, Manama, Bahrain

The Supreme Council of the Gulf Cooperation Council (GCC), on the occasion of its twenty-fifth session, held in Manama, Bahrain, on 20 and 21 December 2004,

Being committed to the bonds of brotherhood and of a shared history and cultural heritage; looking toward the horizons of unified Arabian Gulf action; inspired by a profound realization of common political, economic, social and security challenges and of the need to coordinate, at all levels, appropriate responses to those challenges that will mobilize the forces of the member States and the capacities of their societies to preserve their stability and security and the welfare of their peoples, while facilitating their political integration,

Reaffirming that the GCC is inseparable from global development, the global economy and global security, whence the Gulf States strive to pursue the process of comprehensive modernization to keep abreast of the times and the civilizational demands of the times within the framework of a strategy in keeping with ambitious programmes, so as to realize the hopes and ambitions of the GCC countries and their brother peoples,

Guided by the declarations made by the leaders of the Arab States at their meeting held in Tunis on 22 and 23 May 2004 on development and modernization in the Arab world, which constituted an expression of the will of the Arab peoples to bring about a total renaissance in accordance with their aspirations towards greater development, including sustainable development, and integration,

Reiterates its absolute conviction of the Council leaders that the true essence of democracy cannot be imported, but must well up from the depths of the national being and the heritage and history of the GCC countries and their peoples.

The Supreme Council welcomes the invitation of the Kingdom of Bahrain to host the next meeting of the Forum for the Future of the States of the Middle East and North Africa and the Group of Eight at the end of 2005 within a framework of communication and cooperation that makes it possible to explore in greater depth the concept of renewal and reform and promotes a balanced global Arabian Gulf partnership that will enrich the dialogue and contribute to the fulfilment of national and Arab objectives in security, stability and well-being for the countries and peoples of the Gulf region and the Middle East.

Manama
9 Dhu'lqa'da 1425 A.H.
(21 December 2004 A.D.)



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Question of Cyprus**

**Security Council
Sixtieth year**

**Letter dated 10 January 2005 from the Permanent
Representative of Turkey to the United Nations addressed to
the Secretary-General**

I have the honour to transmit herewith a letter dated 3 January 2005 addressed to you by His Excellency Mr. Reşat Çağlar, Representative of the Turkish Republic of Northern Cyprus (see annex).

I would be grateful if the text of the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 29, and of the Security Council.

(Signed) Baki İlkin
Ambassador
Permanent Representative



Annex to the letter dated 10 January 2005 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

With reference to the several statements made by the representatives of the Greek Cypriot Administration during the meetings of the various Committees of the General Assembly at its fifty-ninth session, I wish herein to set the record straight.

Year after year, we have witnessed the appearance of Greek Cypriot officials before United Nations bodies to repeat their well-known baseless allegations against Turkey and the Turkish Republic of Northern Cyprus, ignoring the fact that the very title they sail under is a usurped one secured only by violence in December 1963.

None of the United Nations resolutions to which references are made in the above-mentioned statements describe the legitimate and justified Turkish intervention of 1974, undertaken in accordance with the Treaty of Guarantee of 1960, as "aggression" or "invasion", or the subsequent presence of Turkish troops on the island as "occupation". Such distortions are purely a Greek Cypriot invention aimed at blurring the issue and confusing the innocent with the guilty. On this point, I would only like to recall the dramatic statement made by Archbishop Makarios, the Greek Cypriot leader at the time, before the Security Council on 19 July 1974, in which he openly accused Greece, not Turkey, of invading and occupying Cyprus. His remarks, which came only four days after the Greek coup of 15 July 1974, are well recorded in the annals of the United Nations and hardly require further elaboration.

What had been going on in Cyprus before the coup, however, is just as significant, if not more so. The years from 1963 to 1974 were a period in which the Greek Cypriots, aided and abetted by Greece, practised ethnic cleansing, terrorism and tyranny against the Turkish Cypriots, all in the name of enosis (annexation of the island to Greece). The atrocities committed by the Greek Cypriots during that period drew comments from the international news media, such as *The Washington Post*, which reported in its issue of 17 February 1964 that "Greek Cypriot fanatics appear bent on a policy of genocide"; from prominent statesmen like George Ball, a United States Under-Secretary of State at the time, who wrote in his memoirs, entitled *The Past Has Another Pattern*, that "Makarios's central interest was to block off Turkish intervention so that he and his Greek Cypriots could go on happily massacring Turkish Cypriots" (p. 64); and from the United Nations Secretary-General himself, who reported to the Security Council on 10 September 1964 that the Turkish Cypriots had been put under "veritable siege" (see S/5950 and Corr.1). The attempt by Greek Cypriot officials to brush aside the 11-year-long ordeal of the Turkish Cypriots is, to say the least, outrageous. It shows their total insincerity and refusal to show any sign of remorse or an attitude conducive to reconciliation.

Despite their bitter past experience, the Turkish Cypriot people, in stark contrast, continued to adopt a conciliatory approach and proved, beyond any doubt, their willingness and sincerity regarding a fair and just settlement in Cyprus by voting overwhelmingly in favour of your settlement plan on 24 April 2004. This declared will of the Turkish Cypriot people, as you have clearly stated in your mission of good offices report on Cyprus (S/2004/437) dated 28 May 2004, "has undone any rationale for pressing and isolating them". In the same report, you also called on the international community "to eliminate unnecessary restrictions and

barriers that have the effect of isolating the Turkish Cypriots and impeding their development". We have no doubt that you are as anxious as the Turkish Cypriot side is to see that the report is taken up by the Security Council and endorsed with a resolution that would reflect the letter and the spirit of this historical document. In the meantime, however, despite the efforts of the Greek Cypriot administration to the contrary, we expect the international organizations, as well as the individual countries, to take concrete steps towards ending the isolation of the Turkish Cypriot people. Such a prospect would not only be fair and just, but would also encourage the Greek Cypriot side to see the benefits of a negotiated settlement.

As for the Greek Cypriot representatives' utterances regarding a political settlement in Cyprus, your remark in the same report that "what was rejected [by the Greek Cypriots] was the solution itself rather than a mere blueprint" needs no further elaboration. In this context, you also stated that "if the Greek Cypriots are ready to share power and prosperity with the Turkish Cypriots in a federal structure based on political equality, this needs to be demonstrated, not just by words, but by action" and that "if they [Greek Cypriots] remain willing to resolve the Cyprus problem through a bicomunal, bizonal federation, this needs to be demonstrated. Lingerin Greek Cypriot concerns about security and implementation of the plan need to be articulated with clarity and finality". To date, this call has not been properly responded to by the Greek Cypriot leadership. The failure and unwillingness of the Greek Cypriot side to do so clearly demonstrates that it is not, and has never been, interested in a mutually acceptable solution in Cyprus, despite continuously professing to the contrary.

We only hope that the Greek Cypriot side will adopt the necessary constructive approach without further delay and, instead of impeding international efforts aimed at ending the isolation of the Turkish Cypriot people, begin to positively contribute to them, in line with your call to the international community.

(Signed) Reşat Çağlar
Representative
Turkish Republic of Northern Cyprus



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Security Council
Sixtieth year

**Letter dated 10 January 2005 from the Permanent
Representative of Turkey to the United Nations addressed to
the Secretary-General**

I have the honour to transmit herewith a letter dated 4 January 2005 addressed to you by His Excellency Mr. Reşat Çağlar, Representative of the Turkish Republic of Northern Cyprus (see annex).

I would be grateful if the text of the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 29, and of the Security Council.

(Signed) Baki İlkin
Ambassador
Permanent Representative



Annex to the letter dated 10 January 2005 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

Upon instructions from my Government, and further to our letter dated 29 November 2004 (A/59/589-S/2004/940, annex), I have the honour to refer to the letter dated 16 December 2004 addressed to you by the Greek Cypriot representative in New York and circulated as a document of the General Assembly and of the Security Council (A/59/627-S/2004/980), which yet again contains allegations of violations of the "airspace of the Republic" and "of the flight information region of Nicosia", and to bring to your kind attention the following:

In response to such false and pretentious allegations, I wish, once again, to reiterate that flights within the sovereign airspace of the Turkish Republic of Northern Cyprus take place with the full knowledge and consent of the appropriate authorities of the State, over which the Greek Cypriot administration in South Cyprus has no jurisdiction or right of say whatsoever. Furthermore, it should be emphasized that allegations of so-called violations of the flight information region or violations of air traffic regulations are invalid, as the civil aviation authority of the Turkish Republic of Northern Cyprus is the only competent authority to provide air traffic and aeronautical information services.

As stated in our previous letters, such allegations are based on the false and illegitimate claim that the sovereignty of the Greek Cypriot administration extends over the whole island, including the territory of the Turkish Republic of Northern Cyprus. This claim by the Greek Cypriot side is divorced from the existing realities in Cyprus, namely, the existence of two independent States, each exercising sovereignty and jurisdiction within and above its respective territory on the island.

Attempts by the Greek Cypriot representatives, through often-repeated false claims, to confer legitimacy upon an illegal administration will be futile as long as the Turkish Cypriot people refuse to bow to its writs. What would indeed be conducive to a better climate on the island would be for the Greek Cypriot side to stop arrogating onto itself rights and responsibilities it does not legally have and to cease all hostilities towards the Turkish Cypriot people.

It has been more than six months since you, in the report on your mission of good offices on Cyprus (S/2004/437) of 28 May 2004, called on the international community to "eliminate unnecessary restrictions and barriers that have the effect of isolating the Turkish Cypriots and impeding their development". The Greek Cypriot administration, which was required to heed this call and take steps accordingly, has instead been pursuing an all-out campaign in every forum against any effort aimed at giving Turkish Cypriots a breathing space. Its current blockage of the adoption by the European Council of the Commission's financial aid and direct trade regulations stands witness to this reality. The continuation of such hostile policies of the Greek Cypriot administration clearly indicates that the Greek Cypriot administration has not moved even an inch from its maximalist policies vis-à-vis a settlement in Cyprus, which had led to the rejection of your settlement plan by the Greek Cypriot side on 24 April 2004.

(Signed) Reşat Çağlar
Representative
Turkish Republic of Northern Cyprus



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Security Council
Sixtieth year

**Election of judges of the International Tribunal for the
Prosecution of Persons Responsible for Serious
Violations of International Humanitarian Law
Committed in the Territory of the Former Yugoslavia
since 1991**

**Identical letters dated 6 January 2005 from the Secretary-General
addressed to the President of the General Assembly and the
President of the Security Council**

I wish to bring to your attention two important matters that have a direct impact on the ability of the International Tribunal for the Former Yugoslavia to implement its completion strategy. Both concern the ad litem judges of the Tribunal.

You may recall in this connection that the term of office of the members of the current pool of ad litem judges of the Tribunal will come to an end on 11 June 2005. You may also recall that, under the Tribunal's statute, ad litem judges are not eligible for re-election. All members of the current pool of ad litem judges will therefore cease to be ad litem judges of the Tribunal on 11 June 2005.

The first matter that I wish to draw to your attention concerns a number of ad litem judges whom I have already appointed to serve in the Tribunal for the trial of particular cases.

President Meron has advised me that, of the nine ad litem judges who are currently serving in the Tribunal, two are adjudicating in a case that is due to finish within the next two weeks. The other seven, however, are adjudicating in cases which he anticipates will continue beyond 11 June 2005.

Specifically, ad litem judges Brydensholt and Eser are currently adjudicating, together with permanent judge Agius, in the Orić case. President Meron informs me that it is anticipated that the hearings in this case, which commenced on 6 October 2004, will be completed and judgement handed down in November 2005.

Ad litem judges Rasoazanany and Swart are adjudicating, together with permanent judge Antonetti, in the trial of the Hadžihasanović case. President Meron informs me that it is anticipated that hearings in that case, which commenced on 2 December 2003, will be completed and judgement handed down in September 2005.



Ad litem judges Thelin and Van den Wyngaert are adjudicating, together with permanent Judge Parker, in the trial of the Limaj case. President Meron informs me that it is anticipated that hearings in that case, which commenced on 15 November 2004, will be completed and judgement handed down in November 2005. In this connection, it may be recalled that, in its decision 59/406 of 19 November 2004, the General Assembly elected ad litem judge Van den Wyngaert as a permanent judge of the International Tribunal. Her term of office as a permanent judge will not commence however until 17 November 2005.

Ad litem judge Canivell is adjudicating, together with permanent judges Orie and El-Mahdi, in the trial of the Krajišnik case. Hearings in that case commenced on 3 February 2003. President Meron has informed me that permanent judge El-Mahdi will be stepping down from that case on 14 January 2005. It has nevertheless been decided that proceedings may continue with a substitute judge sitting in Judge El-Mahdi's stead. Depending on the position that the Security Council and the General Assembly may take with regard to the second matter addressed in the present letter, it is envisaged that proceedings in that case may accordingly continue as early as 14 February 2005. In that event, President Meron informs me that it is anticipated that proceedings in the case should be completed and judgement handed down in April 2006.

If the seven ad litem judges concerned were not allowed to continue to adjudicate in those cases beyond 11 June 2005, it would be necessary to start each trial anew with fresh panels of judges and to order the rehearing of witnesses and the representation of arguments. That would obviously have a serious negative impact on the ability of the Tribunal to achieve the target dates in its completion strategy. It would also have substantial financial consequences.

The statute of the International Tribunal for the Former Yugoslavia does not contain a provision similar to that contained in Article 13, paragraph 3, of the Statute of the International Court of Justice whereby judges continue to discharge their duties until they are replaced and, thereafter, until they finish any cases they may have begun.

In the absence of any such provision, the approval of the Security Council, as the parent organ of the Tribunal, and of the General Assembly, as the organ that elects its judges, would be needed in order to permit the seven ad litem judges concerned to continue to serve in the Tribunal beyond 11 June 2005 and to finish the cases in which they are currently adjudicating, notwithstanding the expiry of their terms of office. I would request that the Security Council and the General Assembly grant such approval.

The second matter that I wish to draw to your attention concerns requests that I have recently received from President Meron that I appoint two additional members from the current pool of ad litem judges to serve in the Tribunal for trying cases. In both cases, it is anticipated that the trials concerned will continue beyond 11 June 2005.

Specifically, President Meron has requested that I appoint ad litem judge Szénási to serve in the Tribunal for the trial of the Halilović case. He informs me that that trial is ready to commence on 24 January 2005 and is expected to last some nine months. If that trial were to commence on 24 January 2005, judgement would accordingly be handed down in October 2005.

President Meron has also requested that I appoint ad litem judge Hanoteau to serve in the Tribunal for the trial of the Krajišnik case. As has been noted above,

that trial is already under way. However, one of the judges who is currently adjudicating in that trial will be stepping down from the case on 14 January 2005. It has nevertheless been decided that proceedings may continue with a substitute judge. President Meron informs me that, if appointed, Judge Hanoteau would be that substitute judge. He also informs me that if Judge Hanoteau is appointed with effect from 18 January 2005, he expects that the judge should be able to familiarize himself with the record of the proceedings in time for hearings to be able to resume as early as 14 February 2005. In that event, it is anticipated that proceedings in the case would be completed and judgement handed down in April 2006.

Having reviewed those requests, it is my view that, except insofar as they would involve the appointment of ad litem judges to trials that would continue beyond their term of office, they comply with the relevant terms of the statute of the Tribunal. Subject to the comments below, it would accordingly be my intention to appoint those ad litem judges to serve in the Tribunal for the trial of the two cases concerned.

However, before I proceed to do so, I would consider it highly desirable that the Security Council and the General Assembly first agree that the judges concerned, if appointed, may continue to serve in the Tribunal for the trials of the cases in question and to finish those trials, notwithstanding the expiry of their term of office. I would therefore request that the Security Council and the General Assembly grant such approval.

President Meron has informed me that he does not anticipate making any further requests that I appoint members of the current pool of ad litem judges to serve in the Tribunal for the trial of cases.

President Meron also informs me that, were the Security Council and the General Assembly to adopt the decisions sought in the present letter, both with regard to the seven ad litem judges who are currently serving in the Tribunal and with regard to the two additional ad litem judges whose appointments are being sought, he does not anticipate that the cumulative period of service of any of the ad litem judges concerned would amount to or exceed three years. The limit on the cumulative length of appointments of ad litem judges laid down in the Tribunal's statute would therefore continue to be observed.

The statutory limit on the number of ad litem judges who may be appointed to serve in the Tribunal at any one time would also continue to be observed.

Were the Security Council and the General Assembly to adopt the decisions sought, no additional financial requirements would arise for the budget of the Tribunal for the biennium 2004-2005. Requirements for the ad litem judges for 2006-2007 would be considered in the context of the Tribunal's proposed budget for the biennium 2006-2007.

I am sure that you will agree that it is highly desirable that every effort be made to ensure that the Tribunal remains in the best possible position to achieve the target dates in its completion strategy. I should accordingly be most grateful if you would bring the present letter to the immediate attention of the members of the General Assembly, under agenda item 18, and of the Security Council in order that they might take appropriate action on the matters that I have raised as soon as possible.

(Signed) Kofi A. Annan

**General Assembly
Security Council**Distr.: General
11 January 2005

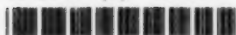
Original: English

General Assembly
Fifty-ninth session
Agenda items 36 and 148**Security Council**
Sixtieth year**The situation in the Middle East****Measures to eliminate international terrorism****Letter dated 11 January 2005 from the Permanent Representative
of Israel to the United Nations addressed to the Secretary-General**

I am writing to draw your attention to the latest severe violation of the Blue Line from Lebanese territory. On 9 January 2005, Captain Sharon Elmakayes, a 23-year-old Israeli soldier, was killed by an explosive device activated by the Hezbollah terror organization in the Har Dov region, well beyond the Blue Line.

Israeli forces returned defensive fire at Hezbollah targets in the area, and struck Hezbollah posts used to attack Israel. Regrettably, a French United Nations officer who was present during the incident was killed in the ensuing exchange of fire. Israel expresses its sorrow at the death of Jean-Louis Valet, and offers its condolences to his family and loved ones, and to the Government and people of France. His tragic loss serves to highlight the dangerous and untenable situation in southern Lebanon caused by Hezbollah terrorist activity, and the need for concrete steps to be taken to bring an end to the consistent violations by Hezbollah of the sovereignty and security of both Lebanon and Israel that endanger civilians on both sides of the Blue Line.

As the international community is aware, in May 2000, Israel withdrew completely from Lebanon, in full and confirmed compliance with Security Council resolution 425 (1978). Nevertheless, Lebanon continues to refuse to meet its obligations as stipulated in resolution 425 (1978), subsequent Security Council resolutions and international law. Since that time, terrorist attacks against Israelis enabled by the complicity of the Government of Lebanon, have continued unabated despite the presence of UNIFIL, and with the support of the Syrian and Iranian regimes that have long sponsored, trained and financed these terrorist groups. Hezbollah, a terrorist organization with a long record of terrorist activity and a broad network of cells, continues to destabilize the region, including through extensive collaboration with Palestinian terrorist groups and in a direct attempt to undermine the chance at progress in the peace process. The timing of this latest attack, on the day of Palestinian elections, is no coincidence and follows a pattern of



Hezbollah activity, sponsored by Iran and Syria, that is directly designed to thwart international efforts to improve the situation on the ground.

The failure of the Government of Lebanon to restore peace and security, ensure the return of its effective authority, disband and disarm Hezbollah, and prevent cross-border attacks from its territory is what compels Israel to engage in defensive actions and is the direct cause of instability in the area. Each of these failures represents a direct negation of basic obligations under international law and the provisions of Security Council resolutions, including resolutions 425 (1978), 426 (1978), 1310 (2000), 1337 (2001), 1373 (2001), 1553 (2004), 1559 (2004) and 1566 (2004).

Lebanon, Syria and Iran are not absolved of their legal obligations to fight terrorism, like any other State, as part of the global campaign against international terrorism. The international community should place the responsibility where it belongs and do its utmost to bring about an end to this dangerous situation, and demand nothing less than full compliance by these countries with their international obligations.

I should be grateful if you could arrange to have the text of the present letter circulated as an official document of the fifty-ninth session of the General Assembly, under agenda items 148, "Measures to eliminate international terrorism", and 36, "The situation in the Middle East" and of the Security Council.

(Signed) Ambassador Dan Gillerman
Permanent Representative



General Assembly

Distr.: General
11 January 2005

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Fifty-ninth session

Agenda item 113

Scale of assessments for the apportionment of the expenses of the United Nations

Letter dated 11 January 2005 from the Secretary-General to the President of the General Assembly

1. At present 29 Member States are in arrears under the terms of Article 19 of the Charter of the United Nations, which states as follows:

“A Member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.”

2. The minimum payments necessary to reduce the amounts owed by those Member States on their contributions so that they remain below the gross amount assessed for the preceding two full years (2003 and 2004) are as follows:

<i>Member State</i>	<i>Minimum payment (United States dollars)</i>
Afghanistan	113 386.00
Benin	16 071.00
Cape Verde	13 786.00
Central African Republic	335 186.00 ^a
Chad	7 277.20
Comoros	759 686.00 ^a
Congo	10 371.00
Côte d'Ivoire	56 243.00
Dominica	15 671.00
Dominican Republic	311 844.00
Georgia	6 085 758.00 ^a
Guinea-Bissau	474 886.00 ^a



<i>Member State</i>	<i>Minimum payment (United States dollars)</i>
Iraq	16 418 925.00 ^a
Liberia	1 126 886.00 ^a
Malawi	3 071.00
Mauritania	3 486.00
Nauru	7 771.00
Niger	353 286.00 ^a
Palau	6 557.00
Paraguay	109 209.61
Republic of Moldova	1 059 017.00 ^a
Sao Tome and Principe	577 886.00 ^a
Solomon Islands	13 786.00
Somalia	1 006 186.00 ^a
Suriname	34 343.00
Tajikistan	1 062 571.00 ^a
Togo	7 886.00
Ukraine	6 265 168.35
Uruguay	398 521.00

^a In its resolution 59/1 A of 11 October 2004, the General Assembly decided that the Central African Republic, the Comoros, Georgia, Guinea-Bissau, Iraq, Liberia, the Niger, the Republic of Moldova, Sao Tome and Principe, Somalia and Tajikistan should be permitted to vote in the Assembly until 30 June 2005.

(Signed) Kofi Annan
Secretary-General



General Assembly

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20 January 2005

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Fifty-ninth session

Agenda item 113

**Scale of assessments for the apportionment of the
expenses of the United Nations**

**Letter dated 20 January 2005 from the Secretary-General to the
President of the General Assembly**

Further to my letter dated 11 January 2005 (A/59/668), I have the honour to inform you that the Congo has made the payment necessary to reduce its arrears below the amount specified in Article 19 of the Charter of the United Nations.

(Signed) Kofi A. **Annan**
Secretary-General

